

SHARP CONSTRUCTION CO., INC.

CONTRACT NO. V101AC-0043

**VABCA-4033**

VA MEDICAL CENTER  
LYONS, NEW JERSEY

*Bill C. Giallourakis, Esq.*, Eatontown, New Jersey, for the Appellant.

*Kenneth B. MacKenzie, Esq.*, Trial Attorney, and *Phillipa L. Anderson, Esq.*, Acting Assistant General Counsel, Washington, D.C., for the Department of Veterans Affairs.

### **ORDER DISMISSING APPEAL WITHOUT PREJUDICE**

1. The above-cited appeal was docketed on July 21, 1994 and has been in suspense since December 16, 1994.
2. On July 26, 1995, the Board received a joint "Rule 30 Request" which indicated that the parties were not ready to proceed. The parties also reported that there are several other pending claims which the parties hope to consolidate with the above-captioned appeal. While the parties are working towards resolving all of the claims, including the above-captioned appeal, they were not able to indicate when this matter would not be in a suspense status.
3. Given the foregoing, the Board is unable to proceed in these appeals and has little assurance of when it may do so. Accordingly, the appeal of Sharp Construction Co., Inc., VABCA No. 4033 is hereby Dismissed Without Prejudice pursuant to Rule 30.
4. Either party may move at any time within three years to reinstate this appeal to the active docket provided it simultaneously furnishes the Board a proposed schedule for bringing the matter to hearing within 120 days from date of motion.

### **IT IS SO ORDERED**

DATE: **July 28, 1995**

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JAMES K. ROBINSON  
Administrative Judge

